

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
	:	
v.	:	DATE FILED:
	:	
BINTU SESAY and	:	VIOLATIONS:
DAOUDA KOUYATE,	:	21 U.S.C. § 963
a/k/a "David"	:	(Conspiracy to import
	:	heroin - 1 count)
	:	21 U.S.C. § 952
	:	(Importation of heroin -
	:	1 count)
	:	21 U.S.C. § 841(a)(1)
	:	(Possession with intent to
	:	distribute heroin - 1 count)
	:	21 U.S.C. § 846
	:	(Attempted possession with
	:	intent to distribute heroin -
	:	1 count)
	:	18 U.S.C. § 2
	:	(Aiding and abetting)
	:	21 U.S.C. § 853
	:	(Forfeiture)
	:	Notice of Prior Conviction

**INDICTMENT**

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

1. On or about June 25, 2003, at Philadelphia International Airport, in the Eastern District of Pennsylvania, and elsewhere, defendants

BINTU SESAY and  
DAOUDA KOUYATE, a/k/a "David"

did conspire and agree, together and with persons unknown to the grand jury, to knowingly and intentionally import more than one kilogram, that is approximately 4.8 kilograms, of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, into the United States from a place outside of the United States, that is, Bamako, Mali, Africa, in violation of Title 21, United States Code, Section 963.

### **MANNER AND MEANS**

2. It was a part of the conspiracy that defendant BINTU SESAY, a passenger on Air France Flight No. 378 from Paris, France, transported heroin from Bamako, Mali, Africa to Philadelphia, Pennsylvania via Paris, France.

It was a further part of the conspiracy that:

3. Defendant BINTU SESAY transported two suitcases that contained hidden compartments where the heroin was concealed.

4. Defendant BINTU SESAY arrived at Philadelphia International Airport from Paris, France to deliver the heroin in the two suitcases to defendant DAOUDA KOUYATE.

5. Defendant DAOUDA KOUYATE arrived at Terminal A, Philadelphia International Airport, to receive the suitcases containing the heroin from defendant BINTU SESAY in order to take the heroin to an unknown destination, and deliver it to unindicted coconspirators.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. In or around June 2003, defendant BINTU SESAY received approximately 4.8 kilograms of heroin from sources in Bamako, Mali, Africa.
2. On or about June 25, 2003, defendant BINTU SESAY smuggled approximately 4.8 kilograms of heroin into the Philadelphia International Airport, which had been hidden in concealed compartments built into two of three suitcases that she was carrying.
3. On or about June 25, 2003, defendant DAOUDA KOUYATE traveled to Philadelphia International Airport in a white Mercury Villager minivan with a person known to the grand jury to pick up defendant BINTU SESAY and the suitcases that she was bringing with her from Africa.
4. On or about June 25, 2003, defendant DAOUDA KOUYATE arrived at Philadelphia International Airport and walked into Terminal A in order to meet defendant BINTU SESAY.

All in violation of Title 21, United States Code, Sections 963 and 960(b)(1)(A).

**COUNT TWO**

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 25, 2003, at Philadelphia, in the Eastern District of Pennsylvania,  
defendants

BINTU SESAY and  
DAOUDA KOUYATE, a/k/a “David”

did knowingly and intentionally import, and did aid and abet the importation of, more than one kilogram, that is, approximately 4.8 kilograms, of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, into the United States from a place outside of the United States, that is, Bamako, Mali, Africa.

In violation of Title 21, United States Code, Sections 952 and 960(b)(1)(a), and Title 18, United States Code, Section 2.

**COUNT THREE**

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 25, 2003, at Philadelphia International Airport, in the Eastern District of Pennsylvania, defendant

BINTU SESAY

did knowingly and intentionally possess with the intent to distribute more than one kilogram, that is, approximately 4.8 kilograms, of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

**COUNT FOUR**

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 25, 2003, at Philadelphia, in the Eastern District of Pennsylvania,  
defendant

DAOUDA KOUYATE, a/k/a “David”

did knowingly and intentionally attempt to possess with intent to distribute, and did aid and abet the attempt to possess with intent to distribute more than one kilogram, that is, approximately 4.8 kilograms, of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A), and Title 18, United States Code, Section 2.

### **NOTICE OF FORFEITURE**

1. As a result of the violations of Title 21, United States Code, Sections 963, 846 and 952 set forth in Counts One through Four of this Indictment, the defendants

BINTU SESAY and  
DAOUDA KOUYATE, a/k/a “David”

shall forfeit to the United States under Title 21, United States Code, Section 853:

any and all real or personal property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code as charged in this Indictment including but not limited to, a 1997 white Mercury Villager minivan used in the commission of the offenses;

any and all real or personal property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code as charged in this Indictment including but not limited to, a 1997 white Mercury Villager minivan used in the commission of the offenses.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All in violation of Title 21, United States Code, Section 853.



### **NOTICE OF PRIOR CONVICTION**

Defendant DAOUDA KOUYATE, a/k/a "David," committed the offenses charged in Counts One, Two, and Four of this Indictment after having been convicted of a felony drug offense as follows:

1. In 1998, in the United States District Court for the Southern District of New York, the defendant was convicted of a federal felony drug offense, specifically, conspiracy to distribute more than 100 grams of heroin, in violation of Title 21, United States Code, Section 846.

A TRUE BILL:

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FOREPERSON

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PATRICK L. MEEHAN  
*United States Attorney*